

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 78/734101

Filed October 15, 2005  
For the mark GLO POPCIFIER  
Official Gazette of June 13, 2006

TTAB

IMPACT CONFECTIONS, INC.,

Petitioner

v.

A & A GLOBAL INDUSTRIES, INC.

Applicant

Opposition No.

07/14/2006 KGIBBONS 00000102 78734101

01 FC:6402

300.00 OP

NOTICE OF OPPOSITION

Impact Confections, Inc., a corporation incorporated under the laws of the State of New Mexico with its principal place of business at 888 Garden of the Gods Road, Colorado Springs, CO 80907, believes that it will be damaged by registration of the trademark GLO POPCIFIER for candy in International Class 30 by A & A Global Industries, Inc., a Maryland corporation, 17 Stenersen Lane, Cockeysville, MD 21030.

07-11-2006

1. A &A Global Industries, (hereinafter referred to as "Applicant") is the record owner of intent-to-use application, Serial No. 78/734101 for registration of GLO POPCIFIER for candy in International Class 30.

2. Opposer Impact Confections, Inc. (hereinafter referred to as "Opposer") of 888 Garden of the Gods Road, Colorado Springs, CO 80907, owns exclusive rights to the trademark GLOW POP as used in connection with candy.

3. Opposer has used the mark GLOW POP for candy since January 1996, in connection with the sale and marketing of its goods by using the mark on packaging, point-of-sale displays and advertising as shown by the attachment hereto. Opposer has used the mark GLOW POP for the sale of its goods in interstate commerce since January 1996.

4. Upon information and belief, Applicant had not used the GLO POPCIFIER mark for candy, prior to October 16, 2005 and had not used the GLO POPCIFIER mark in interstate commerce prior to October 16, 2005, the filing date of Application Serial No. 78/734101. Upon information and belief, Applicant has not filed a statement of use of GLO POPCIFIER.

5. Opposer by its counsel notified Applicant of its prior and continuing use of GLOW POP by a letter to Applicant's counsel dated May 25, 2006.

6. Due to Opposer's continuous use of GLOW POP since January 1996 in connection with its goods, the GLOW POP mark has become well known as designating Opposer's goods throughout the United States.

7. Opposer enjoys substantial goodwill and a fine reputation in connection with its GLOW POP mark for its goods.

8. Applicant's mark GLO POPCIFIER, which Applicant seeks to register for candy in International Class 30 and which Applicant intends to use on and in connection with its goods, is likely to be confused with Opposer's mark GLOW POP because the dominant part of Applicant's mark GLO POP is visually similar and phonetically identical to Opposer's mark GLOW POP and both Applicant's goods and Opposer's goods are or will be sold in the same channel or channels of trade and purchased by the same group of consumers.

9. Opposer will be damaged by registration and use by Applicant of the GLO POPCIFIER mark because the dominant part of Applicant's mark GLO POP is visually similar and phonetically identical to Opposer's mark GLOW POP, and therefore, when applied to the goods or used in connection with the sale of the goods of Applicant, will cause confusion, mistake or deception with consequent damage to Opposer's business and goodwill in violation and derogation of Opposer's prior and superior right.

10. Registration of Applicant's mark GLO POPCIFIER should, therefore, be refused pursuant to Section 2(d) of the Trademark Act of 1946, as amended, 15 U.S.C. §1052(d), on the ground that Applicant's GLO POPCIFIER mark so resembles the Opposer's GLOW POP mark as to cause confusion, mistake or deception.

WHEREFORE, Opposer prays that this opposition be sustained, and that said application by A & A Global Industries, Inc. to register the mark GLO POPCIFIER, Serial No. 78/734101, for candy in International Class 30 be refused.

Respectfully submitted,



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Attorney for Opposer  
Impact Confections, Inc.

Dated: July 11, 2006

# **GLOW POP**

When Glow Pops come with a glowing handle that illuminates the pop, and when the pop is gone, the handle turns into a space bracelet!

• Recipient of a national Product of the year Award from Professional Candy Buyer Magazine!

• Light up your sales and profits by stocking Alien Glow Pops!



We Make  
Your Sales  
**POP!**

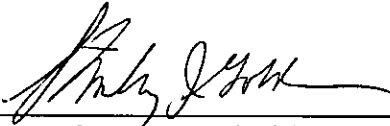


888 Garden Of The Gods Road  
Colorado Springs, CO 80907  
Phone (719) 268-6100 Fax (719) 268-6111

Item# 09112	Code # AGLP.1
Case Pack:	10/12 count
Case Dimensions:	13.3 L x 13.2 W x 25.3 H
Display Dimensions:	2.5 L x 6.4 W x 25.0 H
Case Cube:	2.57
Case Weight:	27 pounds
Palletization	4B x 5H

## CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail mailing label number EK819377847US. I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on July 11, 2006.



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Stanley I. Goldman